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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Greenfield on 6/22/10.

The application has been amended as follows:

1) Claims 6, 55, 59, 82, 89, 112, 120, 143, 148, 172, 177, 201, 207, 231, 235, 259, 263, 287, 292, 316, 327, 353, 355, 378, 380, 403, 405, 428, 430, 453, 455, 478, 480, 503 and 505-511 have been canceled.

2) In claim 1, line 4 from the bottom, " any pharmaceutical acceptable chemical moiety consisting of 1 to 50 atoms" is deleted and following is inserted therefor:

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Y is Cy^2-X^1 and

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Cy² is hydrogen, cycloalkyl, aryl, heteroaryl, or heterocyclyl, each of which is optionally substituted and each of which is optionally fused to one or two aryl or heteroaryl rings, or to one or two saturated or partially unsaturated cycloalkyl or heterocyclic rings, and wherein any of the aforementioned rings are optionally substituted; and

X¹ is selected from the group consisting of a covalent bond, M¹-L²-M¹, and L²-M²-L² wherein L², at each occurrence, is independently selected from the group consisting of a chemical bond, C₁-C₆-hydrocarbyl, C₆-C₆-hydrocarbyl-(NH)-C₁-C₆-hydrocarbyl, C₁-C₆-hydrocarbyl(Si)-C₁-C₆-hydrocarbyl, and C₁-C₆-hydrocarbyl(O)-C₁-C₆-hydrocarbyl, provided that L² is not a chemical bond when X¹ is M¹-L²-M¹;

M¹, at each occurrence, is independently selected from the group consisting of -O-, -N(R⁷)-, -S-, -Si(O)₂-, -Si(O)₂N(R⁷)-, -N(R⁷)-Si(O)₂-, -C(O)-, -C(O)NH-, -NH-C(O)-, -NH-C(O)-O- and -O-C(O)NH-, NH-C(O)NH-,

R⁷ is selected from the group consisting of hydrogen, C₁-C₆-hydrocarbyl, aryl, alkyl, acyl, C₆-C₆-hydrocarbyl-heterocyclyl, and C₆-C₆-hydrocarbyl-heteroaryl, wherein the hydrocarbyl moieties are optionally substituted with -OH, -NH₂, -N(H)CH₃, -N(CH₃)₂, or halo; and

M² is selected from the group consisting of M¹, heteroarylene, and heterocyclylene, either of which

Cy² is hydrogen, cycloalkyl, aryl, heteroaryl, or heterocyclyl, each of which is optionally substituted and each of which is optionally fused to one or two aryl or heteroaryl rings, or to one or two saturated or partially unsaturated cycloalkyl or heterocyclic rings, and wherein any of the aforementioned rings are optionally substituted; and

X¹ is selected from the group consisting of a covalent bond, M¹-L²-M¹, and L²-M²-L² wherein L², at each occurrence, is independently selected from the group consisting of a chemical bond, C₁-C₆-hydrocarbyl, C₆-C₆-hydrocarbyl-(NH)-C₁-C₆-hydrocarbyl, C₁-C₆-hydrocarbyl(Si)-C₁-C₆-hydrocarbyl, and C₁-C₆-hydrocarbyl(O)-C₁-C₆-hydrocarbyl, provided that L² is not a chemical bond when X¹ is M¹-L²-M¹;

M¹, at each occurrence, is independently selected from the group consisting of -O-, -N(R⁷)-, -S-, -Si(O)₂-, -Si(O)₂N(R⁷)-, -N(R⁷)-Si(O)₂-, -C(O)-, -C(O)NH-, -NH-C(O)-, -NH-C(O)-O- and -O-C(O)NH-, NH-C(O)NH-,

R⁷ is selected from the group consisting of hydrogen, C₁-C₆-hydrocarbyl, aryl, alkyl, acyl, C₆-C₆-hydrocarbyl-heterocyclyl, and C₆-C₆-hydrocarbyl-heteroaryl, wherein the hydrocarbyl moieties are optionally substituted with -OH, -NH₂, -N(H)CH₃, -N(CH₃)₂, or halo; and

M² is selected from the group consisting of M¹, heteroarylene, and heterocyclylene, either of which rings optionally is substituted - - .

- 3) In claims 7-11, 15, 18-20, 23, 27-28, line 1, " claim 6" is changed to - - claim 1 - - .

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- 4) In the specification, page 1, line 2, after "This application", following is inserted:
- - is a 371 of PCT/US04/31591, filed 09/24/2004, and - - is inserted therefor.

The following is an examiner's statement of reasons for allowance:

WO/03/024448, WO 01/38322 and EP 0 847 992 are some of the references which are pertinent to the instant claimed compounds. However, none of them teach similar compounds as claimed in herein and one of ordinary skill in the art would not arrive at the claimed compounds using the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on M-F, 7:30AM-5:00PM, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

S. Kumar
7/1/10

/SHAILENDRA KUMAR/
Primary Examiner, Art Unit 1621